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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

612.43130X00

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Signature _____

Typed or printed name _____

Application Number

10/679,456

Filed

10/7/03

First Named Inventor

Christian Wittrisch

Art Unit

3672

Examiner

Stephenson, D.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.

Registration number 32,087

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Alan E. Schiavelli

Typed or printed name

703/312-6600

Telephone number

March 6, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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612.43130X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: WITTRISCH
Serial No.: 10/679,456
Filed: October 7, 2003
For: Controlled-Pressure Drop Liner
Art Unit: 3672
Examiner: Stephenson, Daniel

CLEAR ERRORS IN EXAMINER'S FINAL REJECTIONS

Mail Stop: AF
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 6, 2006

Sir:

The rejection of claims 1-3, 5 and 7-11 under 35 U.S.C. 102(a) as allegedly being anticipated by International Publication No. WO 02/31314 (to which the Examiner refers as "WIPO '314") is clearly improper for the following reasons.

The present invention relates to a controlled-pressure drop liner device. As shown, by way of example only in Figure 1, the device includes a circumscribed filter element 9 centered on a base tube 1 by longitudinal braces 14 in relation to the axis of the tube (see Figures 3 and 4) and arranged according to the diameter of the tube so as to divide the annular space defined by the filter element and the tube into sectors delimited by the braces 14. Collecting tubes 5 are arranged and open into the sectors by one end. The collecting tubes 5 have another end operably connected to an inner space of the base tube 1 so that the pressure drop is a function of the dimension and a number of the collecting tubes. See, e.g., page 5, lines 9-13 of Applicant's specification.

WIPO '314 discloses a drain element for collecting hydrocarbons including a screen TM enclosing a suction cylinder CA. The screen is formed with rods TT, TC extending along the longitudinal direction AL and uniformly distributed around the section cylinder. At least one of the rods is hollow to form a collecting rod TC, the collecting rod TC having a lateral orifice and communicating with the inside of the suction cylinder through one of its ends. The collecting rods in WIPO '314 are the support for the filter FI and, therefore, the two ends of the collecting rods or tubes are fixed on the two crown sections CL.

According to the present invention, the filter element is centered on the base tube by longitudinal braces. The braces are arranged according to the diameter of the tube so as to divide the annular space defined by the filter element and the tube into sectors delimited by the braces. The collecting tubes are arranged and open into these sectors. Such is neither disclosed nor suggested by WIPO '314. In WIPO '314, the collecting rods or tubes themselves support the filter. There are no separate braces dividing the annular space between the filter and the tube into sectors. The Examiner apparently deems the collecting rods TC, TT to be the same as the longitudinal braces of the present invention. However, if one interprets the collecting rods TC, TT of WIPO '314 as the longitudinal braces of the present invention, then there are no separate collecting tubes in this arrangement or, at least, no collecting tubes which are arranged into sectors delimited by longitudinal braces and which open into the sectors by one end. Thus, the liner of WIPO '314 does not anticipate the presently claimed liner device.

Moreover, while the collecting tubes of the present invention open into the sectors between the longitudinal braces by one end, the collecting rods TC of WIPO '314 have lateral orifices OC. By having the collecting tubes open into the sectors by

one end, according to the present invention, the pressure drop is a function of the dimension and number of collecting tubes. Having the collecting tubes open into the sectors by one end so that the pressure drop is a function of a dimension and number of the collecting tubes is not disclosed in WIPO '314. That is, according to the present invention, since the collecting tubes open into the sectors by one end, the length of the collecting tubes must by definition be shorter than the length of the filter or else they would not open by one end into the sectors. In contrast, the collecting rods TC, TT appear to extend from one to the other of the crown sections CL, CL. Thus, the lateral orifices OC of WIPO '314 can not be as "read as" the collecting tubes which open into the sectors by one end, as presently claimed.

According to the present invention, the liner device has both longitudinal braces which divide the annular space into sectors and collecting tubes which are arranged in the sectors. The advantage of such a construction is a separation of the filters means from the collecting means. Such is neither disclosed nor suggested by WIPO '314 where the collecting rods TC, TT themselves support the filter FI.

For the foregoing reasons, WIPO '314 clearly does not anticipate the presently claimed invention.

The rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over WIPO '314 in view of Ranney is also clearly improper.

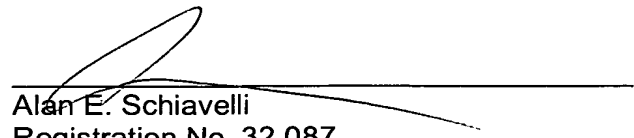
The deficiencies of each of WIPO '314 and Ranney are noted above. The combination of WIPO '314 and Ranney does not disclose and would not suggested the presently claimed invention. In particular, the combination would not have

suggested at least the arrangement of braces and collecting tubes presently claimed.

Accordingly, claim 4 is patentable at least for this reason.

Respectfully submitted,

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